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Attorneys for Defendant World Factory, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION**

TODD J. LINDSAY and KELLIE
LINDSAY,

Plaintiffs,

v.

WORLD FACTORY, INC., and
JOHN DOES I–X,

Defendants.

Case No. _____

NOTICE OF REMOVAL

Defendant WORLD FACTORY, INC. files this Notice of Removal pursuant to 28 U.S.C. § 1446(a), and states:

1. On or about February 10, 2014, Plaintiffs Todd J. Lindsay and Kellie Lindsay filed a Complaint in this action in the Montana Thirteenth Judicial District Court, Yellowstone County, as Cause No. DV 14–0278 (the “State Court Action”).

2. World Factory, Inc. was served with a Complaint and Summons in the State Court Action on March 6, 2014.

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b), because it is filed within thirty (30) days after receipt of the initial pleading setting forth the claim for relief upon which this action is based.

5. Plaintiffs Todd J. Lindsay and Kellie Lindsay are residents of the State of Montana.

6. Defendant World Factory, Inc. is a Delaware corporation with its principal place of business in Southlake, Texas.

7. Complete diversity of citizenship exists between the Plaintiff and all Defendants.

8. The amount in controversy in this matter exceeds \$75,000.00.

9. The State Court Action is removable pursuant to 28 U.S.C. § 1441(a) because it is a civil action brought in a state court of which this district court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

10. Venue of this action in the Billings Division of the United States District Court for the District of Montana is proper because the Billings Division of the district includes Yellowstone County, Montana.

11. Pursuant to 28 U.S.C. § 1446(b), a copy of the Complaint and all other process, pleadings and papers filed by the parties in the State Court Action are attached as Exhibits 1–2.

12. Written notice of the filing of this Notice of Removal has been given to all parties to this action and a copy of this Notice of Removal has been filed in the State Court Action.

WHEREFORE, Defendant World Factory, Inc. respectfully requests that this action be removed in its entirety from the Montana Thirteenth Judicial District Court, Yellowstone County, to the U.S. District Court for the District of Montana and that this Court take any and all further action as is just and appropriate.

DATED this 7th day of April, 2014.

MATOVICH, KELLER & MURPHY, P.C.

By: /s/ Emily Jones
Brooke B. Murphy
Emily Jones
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CERTIFICATE OF SERVICE

I certify that on this 7th day of April, 2014, a copy of this document was served on the following person by the following means:

<u>1-3</u>	CM/ECF	<u> </u>	Hand-Delivery
<u> </u>	Mail	<u> </u>	Overnight Delivery Service
<u> </u>	Fax	<u> </u>	E-Mail

1. Clerk, U.S. District Court

Attorneys for Plaintiffs

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